

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 329

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO FIREFIGHTERS; ENACTING THE FIREFIGHTERS' SURVIVORS  
SUPPLEMENTAL BENEFITS ACT; CREATING THE FIREFIGHTERS' SURVIVORS  
FUND; PROVIDING FOR A DISTRIBUTION TO THE FUND; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 5 of this act may be cited as the "Firefighters'  
Survivors Supplemental Benefits Act".

Section 2. [NEW MATERIAL] FINDINGS--PURPOSE.--The  
legislature finds that firefighters throughout the state risk  
their lives daily to protect the residents of New Mexico. The  
legislature further finds that when firefighters are killed in  
the line of duty, their immediate families can suffer  
grievously, both emotionally and economically. To recognize

.168084.1

underscored material = new  
[bracketed material] = delete

1 the substantial public safety benefits conferred by  
2 firefighters, and in consideration of the sacrifices undertaken  
3 by these individuals and their families for the residents of  
4 New Mexico, it is the purpose of the Firefighters' Survivors  
5 Supplemental Benefits Act to ensure that certain supplemental  
6 death benefits accrue to the spouses and surviving children, or  
7 parents if there are no surviving children or spouse, of  
8 firefighters killed in the line of duty.

9 Section 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
10 Firefighters' Survivors Supplemental Benefits Act:

11 A. "firefighter" means any full- or part-time  
12 member or a volunteer member of a fire department that is part  
13 of or administered by the state or any political subdivision of  
14 the state and any firefighter trained in wildland firefighting  
15 skills and hired by the state of New Mexico; and

16 B. "fund" means the firefighters' survivors fund.

17 Section 4. [NEW MATERIAL] FIREFIGHTERS' SURVIVORS FUND  
18 CREATED.--The "firefighters' survivors fund" is created in the  
19 state treasury and shall be administered by the state fire  
20 marshal. The fund shall consist of all gifts, donations and  
21 bequests of money to the fund as well as any appropriations and  
22 distributions made to the fund. Earnings from investment of  
23 the fund shall be credited to the fund. Money in the fund is  
24 appropriated to the state fire marshal for the purpose of  
25 paying death benefits pursuant to the Firefighters' Survivors

.168084.1

1 Supplemental Benefits Act and shall be paid out only upon  
 2 warrants issued by the secretary of finance and administration  
 3 pursuant to vouchers signed by the state fire marshal. Any  
 4 unexpended or unencumbered balance remaining in the fund at the  
 5 end of any fiscal year shall not revert.

6 Section 5. [NEW MATERIAL] FIREFIGHTERS' SURVIVORS  
 7 SUPPLEMENTAL BENEFITS--REVIEW COMMITTEE--DETERMINATION--  
 8 PAYMENT.--

9 A. There is created the "firefighters' survivors  
 10 supplemental death benefits review committee". The committee  
 11 shall consist of the attorney general, the president of the New  
 12 Mexico fire chiefs association, the state president of the New  
 13 Mexico professional firefighters association and the president  
 14 of the New Mexico state fire fighters association or their  
 15 designees.

16 B. The firefighters' survivors supplemental death  
 17 benefits review committee shall determine whether a firefighter  
 18 has been killed in the line of duty and advise the state fire  
 19 marshal of that determination. In addition to any other death  
 20 benefits provided by law, the surviving spouse or children  
 21 shall be paid fifty thousand dollars (\$50,000) as supplemental  
 22 death benefits whenever a firefighter is killed in the line of  
 23 duty. The benefits shall be paid from the fund.

24 C. The benefits shall be paid entirely to the  
 25 surviving spouse. If there is no surviving spouse, the

.168084.1

1 benefits shall be distributed in pro rata shares to all  
2 surviving children. If there are no surviving children or  
3 spouse, benefits shall be distributed to the surviving parents  
4 of the firefighter.

5 Section 6. Section 59A-53-7 NMSA 1978 (being Laws 1984,  
6 Chapter 127, Section 978, as amended) is amended to read:

7 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

8 A. Annually on or before the last day of July, the  
9 state treasurer shall distribute from the money in the fire  
10 protection fund, to each incorporated municipality and to each  
11 county fire district, the amount the marshal or the  
12 commission, as the case may be, has certified to [~~him~~] the  
13 state treasurer. Payment shall be made to the treasurer of any  
14 incorporated municipality and to the county treasurer of the  
15 county in which any county fire district is located for credit  
16 to the county fire district.

17 B. The state treasurer is authorized to redirect a  
18 distribution to the New Mexico finance authority in the amount  
19 the marshal or the commission, as the case may be, has  
20 certified to [~~him~~] the state treasurer pursuant to an ordinance  
21 or a resolution passed by the municipality or county and a  
22 written agreement of the municipality or county in which any  
23 county fire district is located and the New Mexico finance  
24 authority.

25 C. In addition to the distributions made pursuant

.168084.1

1 to Subsections A and B of this section, upon certification by  
2 the marshal that the balance of the firefighters' survivors  
3 fund is less than fifty thousand dollars (\$50,000), the state  
4 treasurer shall distribute an amount from the fire protection  
5 fund to the firefighters' survivors fund so that the balance of  
6 the firefighters' survivors fund equals fifty thousand dollars  
7 (\$50,000)."

underscoring material = new  
[bracketed material] = delete